

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

*Amended*

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 1:13cv540 (GBL-1DD)  
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

**I. PARTIES**

**A. Plaintiff:**

1. (a) DAVID GRAHAM GOODMAN (b) 11-3987  
(Name) (Inmate number)  
(c) CHESAPEAKE CITY JAIL  
100 ALBEMARLE DR.  
(Address)

CHESAPEAKE VIRGINIA 23322-5504

Plaintiff **MUST** keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

**B. Defendant(s):**

1. (a) KENNETH W. STOLKE (b) Sheriff / Night Constable  
(Name) (Title/Job Description)  
(c) 2501 JAMES MADISON BLVD.  
(Address)  
VA. Beach VA. 23456

2. (a) SERGEANT JOHN DOE (b) SERGEANT / Deputy Sheriff  
 (Name) (Title/Job Description)  
 (c) 2501 James Madison Blvd.  
 (Address)  
VA. Beach, VA. 23456
3. (a) CORPORAL John Doe (b) CORPORAL Deputy Sheriff  
 (Name) (Title/Job Description)  
 (c) 2501 James Madison Blvd.  
 (Address)  
VA. Beach, VA. 23456

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

**Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.**

## II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [ ] No [☒]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

### 1. Parties to previous lawsuit:

Plaintiff(s) N/A  
 Defendant(s) N/A

### 2. Court (if federal court, name the district; if state court, name the county):

N/A

3. Date lawsuit filed: N/A

4. Docket number: N/A

PAGE 3 (CONTINUED)

## ADDITIONAL DEFENDANTS (CONTINUED)

### B. DEFENDANTS

4) A) Deputy John Doe  
NAME

b) Deputy/Deputy Sheriff  
JOB DESCRIPTION/TITLE

c) 2501 James Madison Blvd.  
ADDRESS

VA. Beach, VA. 23456

5) A) Deputy Jane Doe  
NAME

b) Deputy/Deputy Sheriff  
JOB DESCRIPTION/TITLE

c) 2501 James Madison Blvd  
ADDRESS

VA. Beach, VA. 23456

5. Name of Judge to whom case was assigned: \_\_\_\_\_

*N/A*

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?): \_\_\_\_\_

*N/A*

### III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place: \_\_\_\_\_

*Virginia Beach Corr. Ctr.  
2501 James Madison Blvd.  
VA. Beach, VA 23462*

B. Does the institution listed in "A" have a grievance procedure? Yes [☒] No [☒] *UNKNOWN*

*\* SEE attached sheet*

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [☒] No [☐] *Incident Report*

*upon return to Ches City Jail*

2. If so, where and when: *400 Alameda Dr.  
Chesapeake, VA 23322-5504*

3. What was the result? *UNKNOWN / INTERNAL AFFAIRS*

4. Did you appeal? Yes [☐] No [☒] *SEE attached sheet*

5. Result of appeal: \_\_\_\_\_

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [☒] No [☐]

If your answer is Yes, what steps did you take? *Incident Report at Chesapeake City Jail 400 Alameda Dr. Ches. VA 23322-5504*

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:

*\* SEE attached sheet and original complaint*

PAGE 4 (CONTINUED)

DAVID GRAHAM GOODMAN  
Plaintiff

✓

1:13 CV 540 (EOL/100)

KENNETH W. ZOLLE, et al.,

Attachment for VERIFIED STATEMENT (page 4 cont.)

As stated in my original complaint  
dated April 19<sup>th</sup> 2013 (page 4)

### III. GRIEVANCE Procedure

Answers for B, C, D, E.

B This is unknown to me. I had been transported  
to that facility from Chesapeake City Jail that  
morning November 7<sup>th</sup> 2013, for a violation of  
Probation Hearing. (same day)

C see attachment (see page 4)

D see page #1

E see page #1

When taken to medical that night for  
treatment, after the assault I told the  
Ergonomist (name unknown) and the nurse (unknown  
name) I needed treatment/hospital. Nurse  
stated possible concussion/cut above left  
eye busted open bleeding badly. Requested  
again to be taken to hospital.



REQUEST WAS DENIED.

I WAS IN EXTREME PAIN, I LATER LOST CONSCIOUSNESS.

I WAS RETURNED TO CHEZ CITY JAIL MORNING OF NOVEMBER 8<sup>TH</sup> 2012 BEFORE SUNRISE.

- 1) UNKNOWN
- 2) CHEZ. CITY JAIL
- 3) INTERNAL AFFAIRS DIVISION

David G. Goodman pro-se  
David Graham Goodman pro-se

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

DEFENDANT #1, KENNETH W. STOLLE, Sheriff/High Constable  
HEREAFTER REFERRED TO AS DEFENDANT #1

DEFENDANT #1 is Guilty of A Violation of  
my 8<sup>TH</sup> (EIGHTH) AMENDMENT RIGHTS, AS FOLLOWS  
1/ By Jail officials, "USE OF EXCESSIVE FORCE"  
2/ It is "Common PRACTICE" in UNNECESSARY  
instances for Deputies of the Virginia Beach  
Sheriff's Department to engage inmates in a  
malicious and Sadistic manner, which is a  
violation (Direct Violation) of Eighth Amendment  
Rights, and Deputies (DEFENDANTS #2, #3, #4 and  
#5) committed a "BATTERY" as defined in BLACK'S  
LAW DICTIONARY 173 (9<sup>TH</sup> ED. 2009). Therefore  
making Defendant #1 liable as follows,  
1/ Failed to oversee the people who caused the  
wrong, such as by hiring unqualified people, or  
failing to adequately train staff/Deputies  
2/ Created a Policy, or custom that allows the wrong  
to occur

\* see original statement/complaint, 3 statement of the  
claim

5 Samuel J. Goodman pro se  
David Graham Goodman pro se

## IV Statement of The Claim (page #2)

Defendant #2, SERGEANT JOHN DOE,  
Here after referred to as Defendant #2

- 1/ ON November 7<sup>th</sup> 2012, upon my return from Court. To the holding area of the VA. Bench Coll. Ctr.
- 2/ I was placed in the intake area, removed from wheel chair, and placed on a concrete bench. I was then instructed to return to a wheel chair to be transported to Medical (2C). I QUESTIONED A Lower Bunk?
- 3/ I was answered NO!, on the Floor!
- 4/ I stated NO! I have 3rdrd Card, Damage, cannot be placed on Floor!
- 5/ The Sergeant, Defendant #2, became Angry. Then grabbed me by the neck of the jumpsuit causing neck pain
- 6/ I was then dragged across the concrete Floor approx 50 ft. thrown into a Holding Cell and left laying in the floor without my cane. The Sergeant



#### IV Statement of the Claim (page 3)

committed An Assault and Battery  
under "Color of State Law"

A violation of my 8<sup>th</sup> (Eighth) Amendment  
Rights, To Be Free of Assault and  
Battery by a Prison/Jail Official.

David G. Goodman pro-se  
David Graham Goodman pro-se

# IV Statement of The Claim (page 4)

Defendant #3, Corporal John Doe, hereafter referred to as Defendant #3,

- 1/ Sometime after Shift Change 1800 hrs/600 pm I was instructed by a Sergeant (Tech) Roland and placed into a wheelchair.
  - 2/ I was instructed and placed into wheelchair by Tech Sergeant Roland, then released into custody of Three Sheriff Department personnel, to include Defendant #3.
  - 3/ I was then on the way to new location, (Medical?), I was displaced from the wheelchair.
  - 4/ Defendant #3, then grabbed me from floor, with "severe force", then slammed me into floor again, cursed me, handcuffed me and dragged me down the hallway approximately 100 + yards, causing me severe neck and back pain as well as right shoulder, extreme pain. A violation of my 8th Amendment Rights (see original statement of Claim)
- Ramil J. Jordan pro se  
 Daniel Graham Cochran pro se

## IV Statement of the Claim (page 5)

Defendant #4 Deputy John Doe  
here after referred to as Defendant #4,

1/ Sometime after 1800 hrs / 6:00pm on November 7<sup>th</sup> 2012, Defendant #4 with the assistance of Defendant #3 dragged me down the Hallway approximately 100 + yards.

2/ Upon arrival at Medical Isolation he help to slam me, (Defendant #4) in the floor (Bare Concrete). Then stepped on my back while I was being handcuffed causing me severe back pain as well as severe neck pain after being slammed into the floor.

3/ Participating in an Assault and Battery "Under Color of State Law" a direct violation of my 8<sup>th</sup> Amendment Rights

4/ See original statement of the Claim submitted with 1903 April 2013

David G. Goodman pro-se  
David Goodman Goodman pro-se

## IV Statement of the Chain (Page 6)

Defendant #5, Deputy Jane Doe, hereafter referred to as Defendant #5,

1/ On November 7<sup>th</sup> 2012, sometime after 1800 hrs / 600pm.

2/ Defendant #5 was assigned to assist in my Transport to now known, as Medical Isolation.

3/ Upon my arrival at Medical Isolation after being displaced and dragged down the hallway, as previously stated by Defendant #3 and Defendant #4, she assisted in the Assault and Battery on my person by assisting in slamming me in the floor (concrete floor).

4/ Defendant #5 then stood on my neck crushing me severe pain. I stated I have had "Cervical Fusion" and have had multiple neck surgeries etc. She then knelt on my neck, grinding my face into floor, at some time during this I lost consciousness.

5/ After my left hand was uncuffed Defendant #5 stood or placed her



### IV Statement of the Claim page 7

Knee, and weight on my left hand  
causing severe pain and damage to my  
left hand -

6/ Defendant #5 also placed a thumb  
and finger on the pressure point  
behind my Right EAR causing Extreme  
pain, Again using Excessive Force  
in an unprovoked attack on my  
person.

A violation of my 8th Amendment  
Right to be Free of Assault and Battery  
by a Official "under Color of State  
Law".

David G. Goodman pro-se  
David Graham Goodman pro-se



## In Conclusion:

To the Honorable Court,

- 1/ I pray my previous statements may be used in addition to these Revised, Reformatted statements.
  - 2/ I beg the Court to allow my Motion of Discovery. As I have exhausted all other means to obtain the Deputies names and information involved in the Assault and Battery of or on November 7<sup>th</sup> 2012
  - 3/ As outlined this was an Assault and Battery "Under Color of State Law"
  - 4/ All due respect to the Court, but by not allowing me Motion of Discovery and pertinent information, vital information, the Court is in fact, Assisting said Deputies and the Sheriff of VA Beach, VA, in avoiding Justice for said violation of my Eighth Amendment Rights.
- Therefore, I pray the Court will reconsider its position on my Motion of Discovery.

In Conclusion (Page 2)

5) As the Court can see by the statements set forth in these statements I again, REQUEST the Court, also RECONSIDER my MOTION for appointment of Counsel.

6) This ~~case~~ is only going to become more complicated, and my condition has worsen.

I am now awaiting certain medical visit, very limited mobility —

This consultation will be for a REFERRAL to a Neurosurgeon

7) Please note these documents were stamped on July 9<sup>th</sup> 2013. If necessary I beg the Court for Assistance in Release of names of Deputies involved to amend any paperwork that may be deemed necessary and my extension that may be necessary to file.

Daniel G. Goodman pro se  
David Graham Goodman pro se  
228-86-3727

## V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. DGG (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

- ☒ Award money damages in the amount of \$ 750,000.00
- ☒ Grant injunctive relief by \* Temporary Restraining Order (TRO) - fear of Retribution
- ☒ Other Reactive Damages \$100,000.00 Physical and physiological  
\* (TRO) not to be housed at VA Beach Corr Ctr Damages

## VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

Norfolk City Jail 811 E. City Hall Ave Norfolk VA. 23510 - January 3 2013  
\* VA. Beach Corr. Ctr. 2501 James Madison Blvd. VA. Beach, VA. 23456  
Chesapeake City Jail 100 Alameda DR. Ches. VA. 23322 - May 17<sup>th</sup> 2011 to Present

## VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes ☒ No ☐ . You may consent at any time; however, an early consent is encouraged.

## VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 16<sup>th</sup> day of July, 20 13  
 Plaintiff David G. Goodman pro-se

City/County of Chesapeake  
 Commonwealth of Virginia  
 Sworn and subscribed before me this  
 day of 7/16/13  
 Witness my hand and official seal.  
C. E. Earles Notary Public

